

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Alberto Macias

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§

Civil Action No.

§

v

§

3:21-cv-00014

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§

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Portfolio Recovery

§

Associates, LLC

§

Complaint

Introduction

1. The Fair Debt Collection Practices Act was enacted to stop debt collectors from harassing, abusing, and making misrepresentations to and about consumers. Congress found that these practices led to the job loss, the number of personal bankruptcies, invasions of privacy, and marital disharmony.
2. The FDCPA requires that debt collectors who sue consumers do so in the correct venue. The proper judicial district is the “smallest geographic area relevant to venue in the court system in which the case is filed.” *Alaniz v Law Office of Joseph Onwuteaka, P.C.* 5:15-cv-00587-RP; *Cf. Suesz v. Med-1 Solutions, LLC*, 757 F. 3d 636, 641 (7th

Cir. 2014).

3. Plaintiff brings this action for Defendant's violation of the FDCPA and seeks actual damages, statutory damages, attorney's fees and costs.

Jurisdiction & Venue

4. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
5. Venue is proper in this district and division pursuant to 28 U.S.C. § 1391(b) as a substantial part of the events or omissions giving rise to Plaintiff's claims occurred here.

Parties

6. Plaintiff, Alberto Macias, is a natural person.
7. At all times relevant to this complaint, Plaintiff was a citizen of, and resided in the City of El Paso, El Paso County, Texas.
8. Defendant, Portfolio Recovery Associates, LLC, is a nationwide debt collector and, on information and belief, is registered to transact business in Texas.
9. A principal business location of Portfolio Recovery Associates, LLC is 130 Corporate Blvd., Norfolk, Virginia, 23502-4952. Portfolio Recovery Associates, LLC

may be served with process via its registered agent,
Corporation Service Company d/b/a CSC-Lawyers Inc. at
211 E. 7th Street, Suite 620 Austin, Texas 78701.

Facts

10. PRA engages in the purchase, collection, and management of portfolios of nonperforming loans.
11. The accounts they purchase are primarily the unpaid obligations of individuals owed to credit grantors, which includes banks and other types of consumer, retail, and auto finance companies.
12. The principal purpose of PRA is the collection of such debts.
13. The Debt is an allegedly defaulted debt that Macias used for personal, family, and household purposes.
14. After allegedly defaulting on the obligation, the original creditor sold the debt to PRA.
15. PRA put the account into collections.
16. PRA's collection process includes the sending of collection letters.
17. Sometime between the Debt being established and the end of PRA's series of collection letters, Macias relocated from an address in the 79927 ZIP code to an address in

the 79936 ZIP code.

18. PRA sent collection letters to Macias at his address in the 79936 ZIP code.

19. This address is in this venue of El Paso County JP 4.

20. PRA sued Macias using his address at 79927 ZIP code.

21. This address is in the venue of El Paso County JP 6.

22. PRA sued Macias at the wrong address, in the wrong court, when they knew his correct address.

Cause of Action – Fair Debt Collection Practices Act

23. PRA is a debt collector as defined by 15 U.S.C. § 1692a(6).

24. The Debt is a debt as defined by 15 U.S.C. § 1692a(5).

25. Macias is a consumer as defined by 15 U.S.C. § 1692a(3).

26. The lawsuit is a communication as defined by 15 U.S.C. § 1692a(2).

27. PRA violated the FDCPA in that it sued Macias in a place other than where he resided or where the debt was established in violation of 1692i.

Jury Demand

28. Plaintiff demands this case be tried before a jury.

Prayer for Relief

Plaintiff prays, that this Court enter judgment against

Defendant and in favor of Plaintiff for:

- a. Actual damages per 15 U.S.C. § 1692 k(a)(1);
- b. Statutory damages per 15 U.S.C. § 1692k(a)(2); and
- c. Attorney's fees, costs, and litigation expenses per 15 U.S.C. § 1692 k(a)(3).

Respectfully Submitted,

/s/William M. Clanton
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